

David A. Weibel, OSB #082316
dweibel@bwmlegal.com
Bishop, White & Marshall, P.S.
720 Olive Way, Suite 1301
Seattle, WA 98101-1803
Telephone – 206/622-5306
Facsimile – 206/622-0354

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

NEAL A. HAUSAM,;

Plaintiffs,

v.

HOMEcomings FINANCIAL, LLC; GMAC
MORTGAGE, LLC; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC.; LSI TITLE OF OREGON, LLC; and
EXECUTIVE TRUSTEE SERVICES, LLC,

Defendants.

Case No. 09-cv-01437-MO

MOTION AND MEMORANDUM
FOR CONTINUANCE OF HEARING
ON ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION

I. CERTIFICATION

Pursuant to Local Rule 7.1, Defendants certifies that the parties made a good faith effort through a telephone conference to resolve the dispute and have been unable to do so.

II. MOTION AND MEMORANDUM

Defendants Homecomings Financial, LLC; GMAC Mortgage, LLC; Mortgage Electronic Registration Systems, Inc.; LSI Title of Oregon, LLC; and Executive Trustee Services, LLC respectfully move the court for an Order continuing the hearing set for December 18, 2009, a period of two weeks or to the next available court date thereafter. Further, as provided under FRCP 65(b)(2), defendants will consent that the existing TRO remain in effect

until the new hearing date. Counsel for defendants was assigned this case on December 17, 2009, and needs a reasonable amount of time to prepare defendants' response to plaintiff's pleadings. A preliminary injunction is an extraordinary remedy and does not issue as a matter of course. *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 312, 102 S. Ct. 1798, 72 L. Ed. 2d. 91 (1982). Additional time should be allowed for defendants to file a response so the court may make a fully informed decision as to plaintiff's request. No party will be prejudiced by the delay as the status quo will be maintained in the interim.

DATED this 17th day of December, 2009.

BISHOP, WHITE & MARSHALL, P.S.

/s/David A. Weibel

David A. Weibel, OSB# 082316

Attorney for Defendants Homecomings, GMAC, MERS, LSI
and Executive

DECLARATION OF SERVICE

I hereby declare under penalty of perjury of the laws of the State of Washington and the United States of America that on this 17th day of December, 2009, I caused to be delivered a copy of the foregoing MOTION AND MEMORANDUM FOR CONTINUANCE OF HEARING ON ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION to the following in the manner indicated:

Kevin J. Jacoby
Paul R.J. Connolly
Tyler P. Malstrom
Law Office of Paul R.J. Connolly, PC
P.O. Box 3095
Salem, OR 97302
Attorney for Plaintiff
VIA ECF

Signed this 17th day of December, 2009 at Seattle, Washington.

/s/Angela Craig
Angela Craig